initiating a transfer of video signals corresponding to the subsequent responses

to the client node in the background,

wherein said signals representative of the meaningful response comprise an

audiovisual representation of a human being speaking the meaningful response.

REMARKS

STATUS OF THE CLAIMS

Claims 1-19 are pending. Claims 8, 10, 12, and 18 have been amended. No

new matter has been added, and support for these amendments can be found

throughout the application as filed.

OBJECTION TO THE DRAWINGS

Applicants respectfully acknowledge receipt of the Draftperson's objection to the

drawings' margins under 37 C.F.R. § 1.84(g). Applicants request that the objection to

the margins be held in abeyance until allowable subject matter has been indicated.

REJECTION UNDER 35 U.S.C. § 103(a)

The Office Action rejects claims 1-19 as unpatentable under 35 U.S.C. § 103(a)

over COULOURIS ET AL., DISTRIBUTED SYSTEMS:CONCEPT & DESIGN 6-13, 35 (2d ed. 1994)

("Coulouris") in view of U.S. Patent No. 5,727,950 to Cook et al. ("Cook"). Applicants

respectfully request withdrawal of the rejection, because the Patent and Trademark

Office ("the Office") has not set forth a prima facie case of obviousness.

Applicants respectfully note that the Office has the burden of proving a prima

facie case of obviousness. M.P.E.P. § 2142. To satisfy this burden, it must prove three

elements: (1) some suggestion or motivation to modify a reference or combine

reference teachings; (2) a reasonable expectation of success; and (3) the prior art reference (or references when combined) teach or suggest all the claim limitations. M.P.E.P. § 2143. Furthermore, the Office must set forth "clear and particular" evidence of these elements. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Otherwise, there cannot be the requisite "substantial evidence," which is necessary to sustain an obviousness rejection. *In re Zurko*, 258 F.3d 1378, 1384 (Fed. Cir. 2001); *In re Lee*, 277 F.3d 1338, 1344-45 (Fed. Cir. 2002). In this case, the Office fails to establish that, at the barest minimum, all claim limitations are taught or suggested by the asserted prior art references. Since no prima facie case of obviousness has been established, Applicants respectfully submit the rejection should be withdrawn.

Initially, Applicants emphasize that they decline to subscribe to the Office's characterization of the references, even though each mischaracterization may not be particularly refuted. As an example of one mischaracterization, the Office erroneously alleges that Coulouris discloses "a system for providing an interactive simulated dialogue over a network." Office Action at 2. Applicants highlight the fact that Coulouris, at best, discloses a **generic** client-server system with no disclosure of an interactive simulated dialogue, which the Office also recognizes. See Office Action at 4. Coulouris does not teach or suggest all aspects of at least the system as claimed in, e.g., claim 1.

Applicants respectfully submit that Coulouris does not disclose, *inter alia*, "an audiovisual representation of a human being speaking the meaningful response" as recited in each of the independent claims (as amended where necessary). *See* claims 1, 3, 4, 7, 8, 10-13, 15, and 18. Cook, moreover, does not cure the deficiencies of

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Coulouris. Cook discloses an "animated multimedia persona," which would be understood by a person of ordinary skill in the art to be an artificial creation and not a representation of a human being. *See* Cook, col. 5, line 64 to col. 6, line 5. While an animated multimedia persona may be "life-like," it is animated and, thus, generated from computer logic. *See id.* at col. 10, lines 10-14; col. 57, line 65 to col. 62, line 46. Furthermore, Cook teaches that "elements of the display objects [including the animated multimedia persona] can be created by artists, **animators**, singers, and so forth, as data snips." *Id.* at col. 6, lines 25-27 (emphasis added). This further confirms that Cook's on-screen agent is animated (as it has been created, in part, by an animator). The claims, however, require "an audiovisual representation of a human being speaking the meaningful response," which is not met by an animated agent generated from a computer program as disclosed in Cook. Thus, neither Cook nor Coulouris, either alone or in combination, teach or suggest all limitations of the claims. M.P.E.P. § 2141.02; *cf. In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000).

Because the prior art references, taken alone or in combination, fail to teach all claim limitations, no prima facie case of obviousness has been established.[1] Applicants, therefore, respectfully submit the rejection should be withdrawn.

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[1] Because the independent claims are not obvious at least for the reasons set forth in this response, their dependent claims are also not obvious. *See In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988).

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

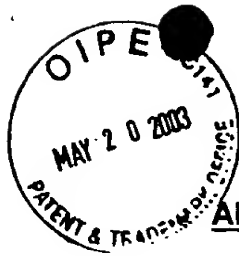FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: May 20, 2003   By:_____

Gordon P. Klancnik
Reg. No. 50,964

<u>APPENDIX TO AMENDMENT OF MAY 20, 2003</u>

<u>**Version with Markings to Show Changes Made**</u>

<u>**AMENDMENTS TO THE CLAIMS**</u>

8. (Amended)   A server coupled to a computer network including a client node for providing an interactive simulated dialogue, comprising:

a connection receiving over the network signals representative of a user voice input and transmitting over the network signals representative of a meaningful response;

a server agent for determining the meaningful response to the user voice input and for selecting a plurality of subsequent responses related to the meaningful response; and

a buffer agent initiating a transfer of video signals corresponding to the subsequent responses to the client node,

<u>wherein said signals representative of the meaningful response comprise an audiovisual representation of a human being speaking the meaningful response.</u>

10. (Amended)   A server coupled to a computer network including a client node for providing an interactive simulated dialogue, comprising:

means for receiving over the network signals representative of a user voice input;

means for determining a meaningful response to the user voice input;

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means for transmitting over the network signals representative of the meaningful response;

means for selecting a plurality of subsequent responses related to the transmitted meaningful response; and

means for initiating a transfer of video signals corresponding to the subsequent responses to the client node in the background,

wherein said signals representative of the meaningful response comprise an audiovisual representation of a human being speaking the meaningful response.

12. (Amended)   A computer-readable medium having stored thereon a computer program for an interactive simulated dialogue, the computer program causing a computer to perform the steps of:

receiving from a client node signals representative of a user voice input;

determining a meaningful response to the user voice input;

transmitting to the client node signals representative of the meaningful response;

selecting a plurality of subsequent responses related to the transmitted meaningful response; and

initiating a transfer of video signals corresponding to the subsequent responses to the client node in the background,

wherein said signals representative of the meaningful response comprise an audiovisual representation of a human being speaking the meaningful response.

18. (Amended)   A method of providing an interactive simulated dialogue over a computer network, including a client node and a server, the method performed by the server comprising:

receiving from the client node signals representative of a user voice input;

determining a meaningful response to the user voice input;

transmitting to the client node signals representative of the meaningful response;

selecting a plurality of subsequent responses related to the transmitted meaningful response; and

initiating a transfer of video signals corresponding to the subsequent responses to the client node in the background,

wherein said signals representative of the meaningful response comprise an audiovisual representation of a human being speaking the meaningful response.